

**MINUTES OF THE MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, JULY 10, 2002**

Members Present: Peter Lilienfield, Chairman
Carolyn Burnett
William Hoffman
Jay Jenkins
Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel
Steve Lopez, Planning Board Consultant
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Mary Beth Dooley, E.C.B.
Applicants and other persons mentioned in these Minutes

IPB Matters Considered:

94-03 – Westwood Development Associates, Inc.
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J

00-40 – Astor Street Associates, LLC
Sht. 7, Portion of P-25000

01-26 – Danfor Realty
Sht. 13B, P-5, P-5C

02-04 – Joseph DeMatteo
Sht. 12B, Lot 31

02-11 – Geraldine McGowan-Hall
Sht. 11, Lot P7J

02-15 – RER Development Corp.
Sht. 10C, Bl. 226, Lot 24B

02-26 – Michael Jason Development Corp.
Sht. 7B, Bl. 249, Lot P-77C

02-27 – James Kennedy Construction Company
Sht. 10C, Bl. 226, Lot 41 (part of Lot 25)

02-28 – Carl Falcone
Sht. 10A, Bl. 225, Lot 6A2

02-31 – Mark Sorbella
Sht. 10B, Bl. 232, Lot 1

02-33 – James Lundy & Martha Chamberland
Sht. 14, Bl. 223, Lot 15, 15A

02-35 – Paul Tobey & Ronnie Krauss
Sht. 10C, Bl. 228, Lot 5A, 6

Carried Over: 02-30 – Kevin & Mary Lockhart
Sht. 10C, Bl. 228, Lot 5

02-34 – Charles & Deborah Flock
Sht. 7B, Bl. 249, Lot 2

The Chairman called the meeting to order at 8:06 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

IPB Matter # 00-40:

**Application of Astor Street Associates, LLC
For Subdivision and Site Development Plan
Approval for Property at Astor Street (MTA
Sub-Station).**

Paul Sirignano, Esq., appeared for the Applicant. This matter, a continuation, involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates. Applicant submitted: Subdivision Map prepared for Trinity Development Associates, Inc. and Astor Street Associates, LLC, New York Central Railroad dated June 24, 2002 revised June 26, 2002, and Subdivision Map prepared for Trinity Development Associates, Inc. and Astor Street Associates, LLC, New York Central Railroad dated June 24, 2002 revised June 26, 2002.

The Chairman opened a public hearing. Mr. Steve Lopez of Tim Miller Associates provided a brief update on the environmental assessment of the property and recommended the Board examine the soil-boring data when they become available.

The Chairman stated that the concerns outlined in Mr. Mastromonaco's memorandum of July 10, 2002, including the right of relocation of the access easement, must be addressed.

There were no comments from the public, and the Board continued this matter.

IPB Matter # 02-28:

**Application of Carl Falcone for Waiver of Site
Development Plan Approval for property at
44 Circle Drive.**

Brian O'Rourke, P.E., represented the Application that had been carried over from the June 5, 2002 Planning Board meeting. The proposed development consists of a new 12 ft. x 16 ft. wood frame deck, as well as related renovations. The total area is 260 sq. ft. that will increase the existing residence by less than 15%. Plans entitled The Falcone Residence by C & O Design & Development dated May 20, 2002 revised June 20, 2002 two (2) sheets were submitted.

Mr. Mastromonaco's memorandum of July 10, 2002 indicated that his previous concerns, outlined in a memorandum of June 5, had all been addressed. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter # 02-31:

**Application of Mark Sorbella for Site
Development Plan Approval for Property at
72 Hudson Avenue.**

Mr. Robert Canelli from Joseph Crocco Architects represented the Applicant, who is proposing a two-story addition at the rear of the existing dwelling. The increase will add a total of about 768 sq. ft. of floor area on a total of two floors and a total of about 6,552 cu. ft. Plans entitled Sorbella Residence by Joseph R. Crocco, A.I.A. dated May 22, 2002, last revised June 22, 2002 were submitted.

Mr. Canelli said all the concerns raised in Mr. Mastromonaco's memorandum of June 5, 2002 had been addressed. In the process, he said the information requested had been added to the plan, and that no trees will come down as a result of changes to the plan. He explained the changes, including those involving drainage and erosion control.

Mr. Marron said that the coverage and height calculations were acceptable, as were the plans for drainage and topography. He also noted that the Applicant has the required variance (ZBA #2002-12) for non-conforming setbacks.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter # 02-04:

**Application of Joseph DeMatteo for
Re-Subdivision and Site Development Plan
Approval for property at 39 North Brook Lane.**

David Steinmetz, Esq., and Greg Gates, Architect, represented the Applicant. The Board considered the subdivision and site approvals separately.

The Chairman opened a public hearing on the re-subdivision. He noted that the Board today had received the draft resolution pertaining to the subdivision sought by the Applicant. The Chairman reviewed the resolution and confirmed with Mr. Steinmetz that the Applicant will have access rights over the Tennessee Gas Line Easement to the private road. The Board determined that additional review/minor modification of the resolution was warranted prior to signature, but that it could take now action on the subdivision application and subsequently sign the resolution. There were no comments from the public, and the Chairman closed the public hearing. The Board determined that the application is for a Type II Action under SEQRA. The Board, upon motion duly made and seconded, voted unanimously to approve the resolution.

The Chairman then re-opened the public hearing on the site plan. Mr. Gates agreed with a suggestion from the Environmental Conservation Board that trees be planted on the property. There were no comments from the public. The Board closed the public

hearing, determined that the application is for a Type II Action under SEQRA, and took the following action. It approved plans entitled: DeMatteo Residence by Richard Henry Behr, Architect, last revised February 2, 2002, (four (4) sheets).

IPB Matter # 02-33:

Application of James Lundy & Martha Chamberland for Determination of Site Capacity for Property at 31 East Clinton Avenue.

The Applicant was represented by Mark Constantino, Esq. The Applicant is seeking a determination of site capacity for the property located on the north side of East Clinton Avenue.

The Chairman noted that Mr. Mastromonaco's memorandum of July 10, 2002 stated that the surveyor must certify that the topographic map provides the same datum as the flood map, in order to verify the deduction for floodplain areas. The Chairman also noted that the subject's two tax parcels had merged into a single lot under the Village Code; their followed a discussion of the property history. This issue was to be further investigated by the Applicant. The Chairman also indicated that the Environmental Conservation Board's concerns regarding the location of the building envelope relative to the floodplain and the measures necessary to mitigate encroachment on the floodplain would be addressed later in the approval process.

The Board continued this matter.

IPB Matter # 02-35:

Application of Paul Tobey & Ronnie Krauss for Site Development Plan Approval for property at 57 Riverview Road.

Christine Broda, architect, represented the Applicants, who are proposing construction of a one-story addition to be used as a family room, and a patio at the rear of the house. Plans entitled: Renovations to the Krauss-Tobey Residence, 57 Riverview Road, by Christine Broda, Architect, dated June 21, 2002 were submitted.

Mr. Mastromonaco's memorandum of July 10, 2002 indicated that only one drywell (not three as shown), should be built; the Chairman asked that Mr. Marron and the Applicant resolve this issue. Ms. Broda stated that the proposed size of the patio had been reduced to comply with coverage requirements.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter # 02-26:

Application of Michael Jason Development Corp. for Site Development Plan Approval for property at 4 Dows Lane.

Mr. Paul Petretti, civil engineer and land surveyor, and Mr. Ferdinand Gottlieb, architect, represented the Applicant, who proposes to raze the existing residence and replace it with another house with a larger footprint. Application was previously heard at the June 5, 2002 Planning Board meeting. Applicant submitted plans entitled: Grading, Drainage, Erosion, Site & Utility Plan prepared for Michael Jason Development Corp., prepared by Paul J. Petretti, Land Surveyor & Civil Engineer dated June 21, 2002 two (2) pages, and Site Plan prepared by Ferdinand Gottlieb, Architect, seven (7) pages, last revised May 3, 2002.

Mr. Petretti said the plan had been revised to provide greater detail than it had previously shown, but the drainage calculations had not yet been made. Citing Mr. Mastromonaco's memorandum of July 10, 2002, the Chairman said the ownership and possible use of the sewer on El Retiro Lane have to be determined. Mr. Petretti said the title company is still researching the ownership of the sewer, and that the Applicant will propose a new septic system (or modification of the existing one) if a sewer connection cannot be made. The Chairman stated that utilization of a septic system requires approval by the Board of Trustees, so the issue must be resolved before the Planning Board can further consider this application.

Terry Rice, Esq., representing some residents of the area, stated, among other points, that a variance for this project would be necessary because the property does not front on a public street, and that the proposed design of the house does not fit in with the older houses of the neighborhood. Peter Trinkaus, a resident of El Retiro Lane, expressed concern about the proposed plans for the water-supply system and pipes. The Chairman said the all utilities would be addressed. Barbara Denyer, a neighbor, said that the

Japanese maple trees on the property should be examined by the Tree Commission. Mr. Petretti said the Applicant intends to move those trees, and the Chairman asked that the plan to protect them be clarified.

The Board continued this matter.

IPB Matter # 02-27:

**Application of James Kennedy Construction
Company for Site Development Plan Approval
for property at Riverview Road.**

Mr. Emilio Escaladas, architect, and Mr. Paul Petretti, civil engineer and land surveyor, represented the Applicant. This is the second lot – Lot No. 55A – of what had been known as the Ciccio-Chernik subdivision to come before the Board. The Applicant is proposing to construct a new home on the lot. This application was carried over from the June 5, 2002 Planning Board meeting. Applicant submitted plans entitled: Construction Plan Prepared for James Kennedy Construction Co., prepared by Paul J. Petretti, P.E., L.S., dated June 25, 2002 (Sheet 2 dated May 16, 2002).

The Chairman noted that the Board had conducted a site walk of the property on June 22, 2002. In response to the Board's comments, Mr. Petretti said he modified the plans to provide for a smaller house, situated farther forward (east) on the lot than had originally been planned; a side-entry garage; a lower elevation and shallower grade driveway. He also said tree-removal issues had been addressed.

Mr. Mastromonaco's memorandum of July 10, 2002, among other matters, stated his belief that moving the house even farther forward than Mr. Petretti is now proposing will remedy all major issues, including unnecessary tree removal. The Chairman asked that Mr. Escaladas and Mr. Petretti indicated that further modification was not feasible, and the Chairman requested that they provide plans indicating why. The Chairman requested that Mr. Mastromonaco's other concerns be addressed as well.

Mr. Ciccio asked whether he might be allowed to rotate the position of his house (on the property immediately to the south) ten degrees, to allow for the repositioning of the Applicant's dwelling. The Chairman said a decision on that question would depend on further evaluation of the Applicant's plans and their effect on Mr. Ciccio's home.

The Board continued this matter.

IPB Matter # 02-15:

**Application of RER Development for Site
Development Plan Approval for property at
209 Riverview Road.**

Mr. Emilio Escaladas, architect, represented the Applicant, who is proposing to demolish an existing structure and construct a new single-family residence. Plans previously submitted were: Proposed Residence for Renato Rancic on a Lot on Riverview Road by Escaladas Associates dated March 20, 2002 revised May 20, 2002, five (5) sheets.

The Chairman opened a public hearing and said the siting of the house is a key issue, along with the right to use the access road to the Village Water tank. Mr. Escaladas stated that probably the house could be moved forward, thereby resolving any concerns the Board may have.

Mr. Marron noted that the current application does not accurately shows the coverage calculations as proposed. He also said that re-siting the residence might necessitate a variance due to setback requirements. The Chairman suggested and the Applicant agreed to consider repaving the access road and the installation of curbs. The issue of utilizing the access road was still in the process of being reviewed.

The Environmental Conservation Board representative, Mary Beth Dooley, expressed concern about tree protection; Mr. Escaladas said that only two “scraggly” trees near the proposed house would be removed.

The Board continued the public hearing.

IPB Matter # 01-26:

**Application of Danfor Realty for Subdivision
Approval for Property Adjoining Harriman
Road.**

Mr. Paul Petretti, civil engineer and land surveyor, represented the Applicant. This matter is a continuing application for preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved).

Mr. Petretti said an informational mailing on this project had been sent to residents of the neighborhood. He also reviewed plans for Shady Lane, to include its layout and configuration during the construction process. New water, sewer and gas lines in the area are desirable, he said. Mr. Mastromonaco’s memorandum of July 10, 2002 indicated that a 14-foot width for Shady Lane would meet the Board’s usual standards, not the 10-foot width called for by Mr. Petretti

The Chairman indicated that the Applicant should provide a scoping document for consideration by the Board in its environmental review under SEQRA. Mrs. Brenda Livingston, *ad hoc* member of the IPB, asked whether drainage would be examined; the Chairman said it would.

Mr. Steve Lopez of Tim Miller Associates (the Board’s environmental consultant on this matter) identified several general environmental issues to be examined: traffic, including emergency access improvements and intersections; utility improvements (storm drainage, sanitary systems, and water and gas lines); slopes, wetlands and other environmentally sensitive features of the property; sedimentation and erosion control.

There were additional questions and comments from the audience regarding the impact of this project on the environment, the proposed width of Shady Lane and drainage. This matter was continued.

IPB Matter # 02-11:

**Application of Geraldine McGowan-Hall for
Site Development Plan Approval for Property at
200 Mountain Road.**

Mr. Wayne Timonen, architect, represented the Applicant, who is proposing to renovate and expand an existing house, install a drain in the existing driveway, and close one of two driveway entrances.

The Applicant submitted historical material and current material requested at the March 6, 2002 Planning Board meeting:

1. Cover letter & Deed conveying Hermits Rd., ROW to Village of Irvington, May, 1961.
2. Plans for original (Guest) house, September 1974.
- 2A. Septic system drawing & approval, March 1975.
- 2B. Building Permit, September 1974.
3. Subdivision Map & Approval, January 1987.
4. Addition to House, April 1987.
- 4A. Health Dept. Approval, January 1987
- 4B. Permit & C.O., May 1987, July 1987.
5. Building Permit Deck, August 1990.
6. Building Permit Above Ground Pool, May 1992.
7. Portion of Watershed Map Village of Irvington showing property.
8. Portion of Wetlands Map Village of Irvington showing property.
9. Survey Prior Conditions (purchase), August 1998
10. Survey, New Conditions & Proposed Work, December 2001.
11. Bd. Of Health, septic review & approval current, January 2002.
12. Zoning study worksheet, previously submitted, signed & sealed by consultant engineer, GAL Assoc.

Mr. Timonen reviewed the material submitted to the Board, describing the various approvals that had been granted and the construction / modifications that had taken place. There remained questions as to whether some work had been undertaken without the necessary approvals, with the Board attempting to determine a baseline from which it could consider the present application. The Chairman requested that the Applicant meet with the Environmental Conservation Board to review the submitted documents and for the ECB to provide the Planning Board with comments regarding the property's condition relative to environmental concerns. Also cited were comments on Mr. Mastromonaco's memoranda of March 3 and July 10, 2002, which had various comments.

The Board continued this matter.

IPB Matter # 94-03:

**Westwood Development Associates, Inc.,
Tract A.**

Mr. Pat Steinschneider and Mr. Charles Pateman represented the Application, for which Final Subdivision Plat Approval and Limited Site Development Plan Approval was approved in April. The signing the plat by the Chairman and Secretary of the Board is

contingent upon the fulfillment of various requirements stipulated in the resolution of approval. Mr. Steinschneider expressed his concern that those requirements would not be met and the plat duly signed within the ninety-day period as required by the Village Code, if the Board had to meet and consider the material that had not yet been submitted. The Chairman said that the Board merely has to receive – not review – materials within 90 days, and that signature of the Plat could occur at a future date following receipt and review of all required material.

Mr. Steinschneider also asked whether the site-plan approval process could be accelerated. The Chairman emphasized that the Board's intention is to assess carefully and separately the plans for each house in Westwood before any is constructed.

Mr. Steinschneider further stated that he would like the Village to reconsider the maximum lot coverage that would be allowed for the lots on Tract A. He indicated that 4,800 sq ft should be allowed because of the size of the lots relative to the zoning requirements of the underlying zone and the Average Density requirements. The Board reiterated that the relaxation of zoning requirements permitted by Section 224-88B(3) did not address coverage, and as such the 3,200 sq ft coverage per Section 224-13 remained in effect. The Chairman indicated that only the Board of Trustees, and not the Planning Board, could further relax the provisions; Mr. Steinschneider should consider submitting his arguments in writing to Mr. Sciarretta.

The Board unanimously approved the Minutes of its regular meetings of April 3 and May 1, 2002

The next regular meeting of the Board was set for August 7, 2002.

The Board adjourned the meeting at 11:40 p.m.

Respectfully submitted,

Walter Montgomery
Secretary